

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELIO CERKEZI, ET AL.,

Plaintiffs,

v.

No. 4:23-cv-00991-P

CITY OF ARLINGTON, ET AL.,

Defendants.

ORDER

Before the Court is Plaintiff's Amended Motion for a Temporary Restraining Order. ECF No. 13. Having considered the Motion and applicable law, the Court concludes that the Motion should be and is hereby **DENIED**.


Temporary restraining orders are “extraordinary relief and rarely issued.” *Albright v. City of New Orleans*, 46 F.Supp.2d 523, 532 (E.D. La. 1999). Rule 65 of the Federal Rules of Civil Procedure governs injunctions and restraining orders. A TRO is “simply a highly accelerated and temporary form of preliminary injunctive relief,” which requires that the party seeking such relief establish the same four elements for obtaining a preliminary injunction. *Hassani v. Napolitano*, No. 3:09-cv-1201-D, 2009 WL 2044596, at *1 (N.D. Tex. 2009). “[I]f a party fails to meet *any* of the four requirements, the court cannot grant the TRO or preliminary injunction.” *Speed v. America's Wholesale Lender*, 2014 WL 4755485 (N.D. Tex. 2014) (emphasis in original).

The Court may issue a preliminary injunction if the movant establishes (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm; (3) the balance of hardships weighs in the movant's favor; and (4) the issuance of the preliminary injunction will not disserve the public interest. *Daniels Health Scis., LLC v. Vascular Health Scis., LLC*, 710 F.3d 579, 582 (5th Cir. 2013); *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011); *see also* Fed. R. Civ.

P. 65; *Miss. Power & Light Co. v. United Gas Pipe Line*, 760 F.2d 618, 621 (5th Cir. 1985) (“The decision to grant or deny a preliminary injunction is discretionary with the district court.”). The movant must make a clear showing that the injunction is warranted, and the issuance of a preliminary injunction “is to be treated as the exception rather than the rule.” *Miss. Power & Light Co.*, 760 F.2d at 621.

Having considered Plaintiff’s request for an injunction to stay proceedings in the municipal court, the Court concludes that Plaintiff has not satisfied his burden of showing “a substantial threat of irreparable harm.” *Daniels Health*, 710 F.3d at 582. Accordingly, Plaintiff’s Motion for a Temporary Restraining Order (ECF No. 13) is **DENIED**.

SO ORDERED on this **14th day of November 2023**.

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" and last name "Pittman" being more prominent than the middle initial "T.". The signature is written over a horizontal line.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE